

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARTIN J. BENZING et al.,  
Plaintiffs,  
-against-  
TULLY CONSTRUCTION CO., INC. et al.,  
Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 5/15/2025

21-CV-05315 (MMG)

**ORDER**

MARGARET M. GARNETT, United States District Judge:

The Court is in receipt of the letter motion by Defendants/Third-Party Plaintiffs for an extension of the briefing schedule for summary judgment motions and *Daubert* motions, Dkt. No. 156, the letter submitted by Plaintiffs in opposition, Dkt. No. 157, and the letter submitted by Third-Party Defendants in support, Dkt. No. 158. It appears from the letters that all parties have flouted Rule II(B)(9)(ii) of this Court's Individual Rules and Practices by failing to meet and confer for the purpose of preparing a Joint 56.1 Statement in advance of their motions for summary judgment. Based on the April 4, 2025, pre-motion conference, the Court had understood that Plaintiffs, Defendants/Third-Party Plaintiffs, and Third-Party Defendants all anticipated filing summary judgment motions on the issue of liability. Yet, with only one day left before the deadline to file such motions, it seems none of the parties has timely taken any step necessary to prepare a Joint 56.1 Statement that conforms to the Court's rules. This is not an optional submission that parties are free to disregard because they unilaterally decide it would not be helpful or would not produce much in the way of agreement.


The parties are directed to meet and confer in good faith pursuant to Rule II(B)(9)(ii) of this Court's Individual Rules and Practices as soon as practicable. The briefing schedule for summary judgment motions and *Daubert* motions is amended modestly as follows:

- Any party wishing to move for summary judgment on the issue of liability shall file the motion and supporting papers by May 23, 2025.
- Any party seeking to limit or exclude the testimony of any expert on the issue of liability shall likewise file the motion(s) and supporting papers by May 23, 2025.
- For all motions, oppositions are due July 3, 2025.
- Any replies are due July 25, 2025.

The Clerk of Court is directed to terminate Dkt. Nos. 156 and 158.

Dated: May 15, 2025  
New York, New York

SO ORDERED.

  
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MARGARET M. GARNETT  
United States District Judge